
STATUTORY INSTRUMENTS

2010 No. 1228

The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010

Exemptions

6.—(1) Subject to paragraph (3), the Secretary of State may exempt a cargo transfer or bunkering operation from the provisions of regulation 3(1).

(2) The Secretary of State may make any such exemption subject to such conditions as the Secretary of State considers appropriate.

(3) Where the Secretary of State considers that a cargo transfer or bunkering operation is likely to have a significant effect on a European site, the Secretary of State must, before granting an exemption under paragraph (1), require the person applying for the exemption to provide sufficient information to enable the Secretary of State to carry out an appropriate assessment of the implications of the cargo transfer or bunkering operation for the European site, in view of the conservation objectives of the site.

(4) The procedure for the assessment referred to in paragraph (3) is the procedure for assessment of an application for an oil transfer licence in Schedules 1 and 2, and for this purpose—

- (a) references in Schedules 1 and 2 to the harbour authority are to be taken as references to the person who applied for the exemption;
- (b) references in Schedules 1 and 2 to the application are to be taken as references to the application for the exemption;
- (c) references in Schedules 1 and 2 to the oil transfer licence are to be taken as references to the proposed exempt cargo transfer or bunkering operation; and
- (d) references in Schedules 1 and 2 to the licence decision are to be taken as references to the decision whether to grant the exemption.